

***The Changing Influence of the Press Over Time: An Exploration into the
Intersection of Media, Politics and Public Perception***

An Honors Thesis (HONR 499)

by

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Abstract

Since the first multi-page newspaper was printed in colonial America in 1690, journalism has had an impact on the way the public views current events. By focusing on the early emergence of newspapers in America and how information was disseminated over time, we have a better understanding of why the founding fathers created the First Amendment. Our current interpretation of the First Amendment and our views on the freedom of the press all stem back to the struggle for the right to speak out against despotic governments. Since then, the press has grown into not just a voice of the people, but a medium for commentary and persuasion.

Acknowledgements

We would like to thank Dr. Johnny Sparks for advising us through this project. Your push for us to reflect on our fields through a different, more critical lens has challenged our conventional thinking beyond expectation. To Lisa Renze-Rhodes, we also thank you for your helpful eyes and ears — everyone needs a good editor.

We would also like to extend our gratitude to Annette Kirk for her insight and hospitality offered to us at the Russell Kirk Center. Your passion for educating others about traditional conservatism has been incredibly enlightening.

To journalists everywhere — keep fighting the good fight.

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Process Analysis Statement

Overview

This thesis was a joint collaboration between Ryan Shank, a history and telecommunications major, and Casey Smith, a journalism and anthropology major. We constantly worked with one another while researching and writing this written report.

Ryan Shank

Within the realm of history, I find no other time period more interesting than early America from the end of the Seven Years War to the beginning of the War of 1812. Whether it be the popularity of the *Hamilton* musical, the emergence of new television shows like *John Adams*, *Sons of Liberty*, or *TURN: Washington's Spies*, or the mythos that was built up over generations surrounding the founding fathers, I have been fascinated by the relationships and lives of those who started this country. I am not sure if it's by some sense of patriotism, but instead rather an interest in how flawed this country was when it was created and what we have done to try and remedy those problems since.

With that being said, focusing on the early emergence of newspapers, how information was disseminated at this time and how it has impacted the creation of the First Amendment and my views on the freedom of the press seemed like a logical choice to bridge my interests with Casey's, who is a journalism major. Coming from separate majors I think benefited this paper by allowing us to concentrate on specific aspects of the topic.

Tangentially related to this paper, I also wrote my history thesis on the life of Edmund Burke and his influence on early American politics expanding upon what is included in this thesis. A lot of my research from that paper overlapped with this one. Oddly enough before this

year, I had never heard much about Edmund Burke, let alone knew anything about the influence he had on American political thought. Since this was the first time I had attempted to trace the influence of political thought, I did not really know where to start. From my preliminary research, only a few authors considered Burke to have a direct influence on American politics. Notably Russell Kirk had thought that Burke influenced all conservative thinkers in America starting with John Adams in his book, *Conservative Mind*.

Through connections from my honors thesis advisor, Dr. Johnny Sparks, Casey and I were granted stay as academic researchers at the Russell Kirk Center in Mecosta, Michigan for a week. The research opportunities afforded to us while we were there proved to be invaluable in creating my history thesis paper and in part this paper. The Kirk Center had an extensive library on Burke, including first editions of all the Annual Registers while Burke was editor, collections of his correspondence, speeches and writings and a vast inventory of secondary sources written about Burke. Because there was not a lot of documented writing about a direct influence between Burke and early American political thinkers, I relied a lot on primary sources to backup my claims.

While the Kirk Center gave me almost all I needed for my history thesis, it did not help us with our honors topic as a whole as much as we thought. What this visit did do was really help us develop our argument about the influence of politics. During our research for this paper we found more and more how early colonial politics had influenced the emergence of newspapers in America. We choose to include backgrounds of political thinkers during the Revolutionary War and construction of the Constitution to better understand the arguments for and against including the Bill of Rights.

Casey Smith

As a journalism major — and someone who loves to learn about history — I found this to be an incredibly interesting project to work on. Although I've previously taken courses and done independent reading on the colonial printing press and the origins of American press freedom, I've never taken this deep of a dive into the topic.

While working alongside Ryan, I completed more than 100 hours of research, which included time spent reading dozens of books and journal articles, browsing through newspaper archives and databases, and spending several days at the Russell Kirk Center in Mecosta, Michigan.

The Kirk Center, in particular, was one of the highlights of the thesis experience. Ryan and I were welcomed by Annette Kirk, both into the Russell Kirk library and her home. While I originally thought we would only be going there to read over texts exclusive to the library, I ended up learning more about traditional conservatism and early American press history while we were there than I could have ever imagined. Readings and research we worked on during the day — followed by conversations we had with Annette over meals — challenged the way I viewed conservative ideologies and helped me to better understand the implications of partisanism in regard to both the press and the public.

While exploring the history surrounding American newspapers, I was also able to better understand how the intentions of those working in the press have changed over time. With this new knowledge, I've already found myself spending more time reflecting on my own intentions as a journalist, and I anticipate spending more time considering the implications of my own writing and reporting as a result of this thesis work.

Along the way, there were most definitely a few challenges and roadblocks we had to overcome. Writing the thesis itself was a unique, tiresome experience. Although I love to write, I'm used to writing no more than 1,000 words at a time. I've also been trained to condense an immense amount of information into that small space. For the thesis, however, that wasn't going to work. Making sure to attribute each and every bit of information we came across, I ended up writing more than twice what I'd expected — but I'm glad we were able to dive so deeply and include so many facts into the thesis as a result. This being said, I also spent much more time than I had anticipated researching the credibility of the course we were using, and several texts we originally planned on citing were dropped as a result.

Being a journalist and *writing about journalism* also produced several interesting thoughts during my research and writing. While completing a number of readings, several authors mentioned the challenges and potential issues which can arise for journalists writing about their own profession, including becoming defensive of criticism and ignoring issues in the industry. Indeed, I did have to overcome some of these thoughts and emotions. I'm glad I did, however, because it helped me offer a more critical analysis of current press and political climates.

As we mention within the body of our thesis, we know this report is not a complete history of journalism or newspapers. Had we done a complete history and discussion about every single moment in American journalism and political history, I'm confident we would be working on this paper for the rest of our lives. What we do offer, though, is incredibly thought-provoking (I think), and we hope that the combination of historical and modern information do the same for those who read this work.

INTRODUCTION

It's likely that many today have little understanding, or care little, about the origins of news media in America. Currently, most of the news we consume comes in a digital format, whether that be through our cell phones, computers or television screens. The print medium which fostered growth for American journalism continues to fade, and the growth of the Internet allows news — and information masking as such — to spread from one person to another faster than ever before.¹

Given this, the American media has a great deal of power and responsibility. As The Fourth Estate — a segment of American society exerting significant influence on the public and democracy — the press is responsible for getting information to the public (which they otherwise might not be able to access) and keeping those in the government and otherwise accountable for their actions.

The ever active and rapidly changing political scene in America has played a role into what gets published by the press since the seventeenth century. In this report, we will explore how early colonial politics had influenced the emergence of newspapers in America and how that influence has impacted the way we interpret the First Amendment today.

While this report does not detail or include every aspect, historical event or political factor relating to the American press, we strove to offer an overview of important events in American newspaper history and provide discussion about media bias and partisanism. Additionally, we offer commentary and suggestions for better news media practices to help ensure the independent press is as effective and accurate as possible.

¹Pew Research Center, "Newspapers Fact Sheet," Pew Research Center: Journalism & Media, June 1, 2017, <http://www.journalism.org/fact-sheet/newspapers/>.

A Look At Early American Journalism History

An Overview: Where Did It All Begin?

The first multi-paged newspaper printed on American soil didn't look much like those we have today — and it only survived its first printed edition.² The first and only issue of *Publick Occurrences, Both Foreign and Domestick* (also referred to as *Public Occurrences*³) was published by Benjamin Harris, a former London publisher, and Richard Pierce, a local printer, on September 25, 1690, in Boston (then a city in the Dominion of New England).⁴ Although single-page newspapers, known as broadsides⁵, and a variety of religious texts and colonial legal documents had been printed years before in Massachusetts, *Public Occurrences* was revolutionary in the sense that it contained news about public affairs in both Europe and America — some of which was not of favorable nature to the crown. Additionally, Harris' publication was a particularly groundbreaking attempt, serving as a test to whether or not a newspaper could be published without a license from the royal governor.⁶

Given the breadth of the surrounding Puritan community — and being a Puritan himself — Harris vowed to his readers that he would publish “memorable occurrences of Divine Providence.”⁷ Void of reporters or correspondents, he was dependent on news gathered from

² Sidney Kobre, *The Development of the Colonial Newspaper* (Gloucester, MA: P. Smith, 1960), 1-13.

³ See Appendix A.

⁴ Kobre, *The Development of the Colonial Newspaper*, 1.

⁵ See Appendix B.

⁶ Kobre, *The Development of the Colonial Newspaper*, 16.

⁷ Benjamin Harris, *Publick Occurrences, Both Foreign and Domestik* (Boston), September 25, 1690.

residents in the Boston area, and without editorials, Harris also employed a practice that many in the newspaper business would come to adopt — expressing his opinions in short sentences coupled onto the ends of stories.⁸ Doing this served as evidence of such newspaper publishing which had not yet separated editorial and opinion content from that of objective news reporting.

Understanding the environment in Massachusetts at the time is critical to understanding Harris' viewpoints and motives for his publication, as well as the motives of government officials to later suppress the newspaper. At the end of the 1680s, the colony was experiencing a breakdown of political stability, religious conflict and a society filled with rumors (many of which were false).⁹ Throughout the events surrounding the overthrow of Sir Edmund Andros¹⁰, the governor of the colony, Harris was vocal about supporting Puritans, and thus was against Andros and the Anglicans.¹¹

This being said, Harris had a goal for *Public Occurrences*. As chaos and rumors persisted, his hope was that the publication would provide accurate, newsworthy information

⁸ Kobre, *The Development of the Colonial Newspaper*, 14.

⁹ William David. Sloan and Julie Hedgepeth Williams, *The Early American Press: 1690-1783* (Westport (Conn.): Greenwood Press, 1994), 3-5.

¹⁰ Sloan and Williams, *The Early American Press*. Anglican and Tory Sir Edmund Andros was appointed governor of the Massachusetts charter in 1686. Once he arrived and began acting in his new role, Andros immediately demanded that Anglicans would be permitted to the Old South Church building in Boston, however, Puritan ministers would not agree to the demand. The disagreement persisted for more than a year, and the conflict between the Puritans and Anglicans — as well as conflict caused by other suppressing and restrictive order put in place by Andros — resulted in his overthrow during the 1689 Boston Revolt.

¹¹ Sloan and Williams, 3-4.

about current issues which the public could rely on, while in the process also dismantling rumors.¹²

In the first and last edition of the 1690 newspaper, which Harris had intended to publish on a monthly basis¹³, he wrote mostly about Native Americans and related warfare:

THE Cristianized *Indians* in some parts of *Plimouth*, have newly appointed a day of Thanksgiving to God for his Mercy in supplying their extream and pinching Neceffities under their late want of Corn, & for His giving them now a prospect of a very *Comfortable Harveft*. Their Example may be worth Mentioning. Tis observed by the Husbandmen, that altho' the With-draw of fo great a strength from them, as what is in the Forces lately gone for *Canada*¹⁴, made them think it almost inpossible for them to get well through the Affairs of their Husbandry at this time of the year, yet the Season has been fo unusually favourable that they scarce find any want of the many hundreds of hands, that are gone from them ; which is looked upon as a Merciful Providence.¹⁵

This topic, among others Harris included in his paper, were those with which colonists at the time were notably concerned.¹⁶

In other foreign news, Harris discussed France's concern over the French king, another sensitive topic.¹⁷ Additionally, *Public Occurrences* included information about a recent suicide,

¹² Sloan and Williams, 4-5.

¹³ Kobre, *The Development of the Colonial Newspaper*, 16.

¹⁴ "American Beginnings: 1492-1690: Power, Colonial Rebellion," *National Humanities Center* online, last modified October 2006, <http://nationalhumanitiescenter.org/pds/amerbegin/power/text5/text5read.htm>. The King William's War, 1689-1697, in which New France and the northern English colonies, both with their Indian allies, battled until deadlock. The French and/or their Iroquois allies attacked several English settlements — massacring hundreds of colonists — and the English attacked the French towns of Quebec, Port Royal, and La Prairie near Montreal, although they ultimately failed to gain any territory in the 1697 peace treaty.

¹⁵ Harris, *Publick Occurrences*.

¹⁶ Kobre, *The Development of the Colonial Newspaper*, 16.

¹⁷ Kobre, 15-16.

the kidnapping of two local children, and sicknesses like fever and smallpox.¹⁸ These topics were of previous concern and gossip for colonists living in Massachusetts, and with the publication of Harris' newspaper, such information became more comprehensive and accessible to members of the public.¹⁹

As it turned out, the newspaper wasn't well received by the colony's leadership or by Puritan officials (Puritan leadership was, however, on the side of the newspaper given their opposition to royal authority).²⁰ The tone used in *Public Occurrences* was not favorable, and criticism was deemed to be destructive to the already sensitive state of the colony and of the Dominion of New England as a whole.²¹

The governor and council responded September 29, 1690, with their ruling:

Whereas some have lately presumed to Print and Disperse a Pamphlet, Entitled, *Publick Occurrences, both Forreign and Domestick*: Boston, Thursday, Septemb. 25th, 1690. Without the least Privity and Countenance of Authority. The Governour and Council having had the perusal of said Pamphlet, and finding that therein contained Reflections of a very high nature: As also sundry doubtful and uncertain Reports, do hereby manifest and declare their high Resentment and Disallowance of said Pamphlet, and Order that the same be Suppressed and called in; strickly forbidden any person or persons for the future to Set forth any thing in Print without License first obtained from those that are or shall be appointed by the Government to grant the same.²²

¹⁸ Kobre, 14-15; Harris, *Publick Occurrences*.

¹⁹ Kobre, *The Development of the Colonial Newspaper*.

²⁰ Kobre, 16-17; Sloan and Williams, *The Early American Press*, 6-10.

²¹ Sloan and Williams, *The Early American Press*, 6.

²² David A. Copeland, *Debating the Issues in Colonial Newspapers: Primary Documents on Events of the Period* (Westport, CT: Greenwood Press, 2000), 4-5.

Ultimately, it was determined by the Colonial government that Harris' lack of licensure — in addition to his criticism of the treatment of French captives by the Indian allies of the English — led to the paper being banned, and all undistributed copies were destroyed.²³

The American Printing Press

It was fourteen years after the publication of *Public Occurrences* until a new attempt was made to print another colonial newspaper. The second attempt was also made in Boston — a city that became prominent for the growth of American journalism during the eighteenth century. In addition to the publication of the first three colonial newspapers in Boston, the Massachusetts town was also home to eight of the fifteen American newspapers published between 1690 and 1735.²⁴ While Boston's population size was a factor for making the city so prolific — Boston was the colonies' largest city until the 1750s — political activities in the area and present Puritan intellectual outlooks encouraging inquisitiveness and free expression made for an ideal environment for newspaper publishers.²⁵

Boston, Massachusetts

Boston acquired its first continuing newspaper, the *Boston News-Letter*, in 1704.²⁶ Published by John Campbell, an Anglican, the newspaper was not conceived under the notion of exercising publishing independence or reporting news as most would expect from newspapers

²³ National Humanities Center, "American Beginnings."

²⁴ Sloan and Williams, *The Early American Press* 10-11.

²⁵ Sloan and Williams, 12-14.

²⁶ Sloan and Williams, 17-18.

today.²⁷ Instead, the publication served to disseminate official government business and records, and summaries of foreign, colonial and local news.²⁸ Campbell — who was loyal to the current, yet generally unpopular, governmental administration — would use a printing machine to duplicate his hand-written newsletters before distributing them to governors, merchants and other colonists.²⁹

While Campbell typically put local news in the back pages of the publication — some historians argue this is because publishers assumed colonists already knew what was going on around them — his coverage of governmental affairs almost always favored that of public officials and the current governing administration.³⁰ He also veered away from controversial political and social issues, and as a result, he refrained from publishing about major events happening in Boston at the time which were of great concern to citizens. Unlike Harris, Campbell did not publish editorials.³¹ However, Campbell's paper was revolutionary in the sense that it made profits from advertisements.³²

Because newspaper publishing was not an independent trade at the time — Campbell began publishing the *News-Letter* during his tenure as postmaster, an elected position which he later left. The fate of continued publishing was in the hands of the next postmaster, William

²⁷ Sloan and Williams, 17-18.

²⁸ Sloan and Williams, 18-19.

²⁹ Kobre, *ibid*, 17-19; Sloan and Williams, *The Early American Press*, 18-19.

³⁰ Kobre, *ibid*; Sloan and Williams, 18-19.

³¹ Kobre, *The Development of the Colonial Newspaper*, 24.

³² Kobre, 24; Sloan and Williams, *The Early American Press*, 18-19.

Brooker.³³ Wanting to replicate Campbell's success, Brooker decided to continue producing a publication, and because Campbell refused to give up the *News-Letter* and continued printing it independently (making it the first commercial and privately owned paper in America, which was not connected with the official government), Brooker established the *Boston Gazette* in December 1719.³⁴

The development of the new paper created competition between the two publishers — something which had not been seen before in the colonies.³⁵ As a result, Campbell and Brooker began infusing their publications with small personal essays, some of which served as attacks to the other.³⁶

However, during this time (the late 1710s and early 1720s), both papers began to cover issues from multiple political perspectives, and while some written content was paid for by advertisers, more of this political coverage began to appear in a straight news manner.³⁷

By 1721, critical events surrounding the colonists, the governor and press censorship came to a head. Heated legislative controversy began to take place between A) the royal governor and his council and B) the local representative assembly in Boston. The wishes of the assembly to print its side of the argument for colonists in the newspaper led the governor and his

³³ Sloan and Williams, 26-27.

³⁴ Kobre, *The Development of the Colonial Newspaper*, 27-28; Sloan and Williams, *The Early American Press*, 26-27.

³⁵ Sloan and Williams, 22.

³⁶ Kobre, *The Development of the Colonial Newspaper*, 28; Sloan and Williams, *The Early American Press*, 22.

³⁷ Sloan and Williams, 22-23.

council to make an attempt to censor the papers by trying to reinstate the expired license requirement (the need for licensing expired in 1695 in England, but authority from the crown still allowed royal governors to oversee and prohibit printing).³⁸ Because the King in England no longer had license power — and reinforced by pushback from the assembly and colonists — by 1721, it was publicly announced that all press in Massachusetts was not subject to licensing authority, and therefore, newspaper publishers could not be subjected to censorship by the royal governor.³⁹

A third newspaper, the *New England Courant*,⁴⁰ was born shortly after that same year by way of a small group of Anglican loyalists.⁴¹ Their leader, John Checkley, held the belief that religion and the state were tied, and likely as a result, he used the *Courant* to attack Puritanism and oppose the views presented in the *News-Letter* and the *Boston Gazette*.⁴² The newspaper, did, however, include writings provided by Samuel Adams, Joseph Warren, John Adams, Thomas Cushing, Samuel Cooper and Benjamin Franklin (under the pen name “Silence Dogood”).⁴³ The *Courant* later ceased printing, however, in 1726.⁴⁴

³⁸ Kobre, *The Development of the Colonial Newspaper*, 29-30; Sloan and Williams, *The Early American Press*, 22-23.

³⁹ Sloan and Williams, 22-23; Kobre, *The Development of the Colonial Newspaper*, 29-30.

⁴⁰ See Appendix C.

⁴¹ Sloan and Williams, *The Early American Press*, 22-23. Kobre, *The Development of the Colonial Newspaper*, 29-30.

⁴² Kobre, 30-32; Sloan and Williams, *The Early American Press*, 23-32.

⁴³ Douglas C. McMurtrie, *The Beginnings of the American Newspaper* (Chicago: Black Cat Press, 1935), 25-26.

⁴⁴ Sloan and Williams, *The Early American Press*, 30.

Philadelphia, Pennsylvania

Newspapers were flourishing in Boston during the early eighteenth century, and as Philadelphia also grew and became a fast-growing commercial center, the city's first newspaper, *The American Weekly Mercury*, was published in 1719 by Andrew Bradford.⁴⁵ Similar to early publications in Boston, Bradford's paper initially focused on business affairs and similar news.⁴⁶ A businessman himself, Bradford thought of the publication itself as a business endeavor, and he emphasized the importance of advertisements sold in the *Mercury*.⁴⁷ This being said, Bradford was keen on keeping his political and religious beliefs aside. He generally avoided controversies in his writing, and his main goal was to provide news, not opinion, though content that had, "a tendency to raise and refine human kind; to remove it as far as possible from the unthinking brute; to moderate and subdue men's unruly appetites; to remind them of the dignity of their nature; to awaken and improve their superior faculties and direct them to their noblest objects."⁴⁸

A notable publisher in Philadelphia, Benjamin Franklin, also made waves in the city with the publication of his *Pennsylvania Gazette* (which he acquired alongside Hugh Meredith in 1729).⁴⁹ The paper, which later became the most successful in the colonies, was similar to its predecessors in that it was comprised mainly of news and advertisements.⁵⁰ However, Franklin's

⁴⁵Sloan and Williams, 53-55; Kobre, *The Development of the Colonial Newspaper*, 37.

⁴⁶ Sloan and Williams, *The Early American Press*, 54.

⁴⁷Sloan and Williams, 54.

⁴⁸ Andrew Bradford, *The American Weekly Mercury* (Philadelphia), August 15, 1734; Sloan and Williams, *ibid*, 54-55.

⁴⁹ Kobre, *The Development of the Colonial Newspaper*, 55.

⁵⁰ Sloan and Williams, *The Early American Press*, 61.

publication did not refrain from discussing controversies and current issues of the day, and given that Franklin was active in the political scene, he also used the *Gazette* to write columns and promote his own views.⁵¹ Contrary to non-partisan, factual reporting, Franklin's writing would, at times, be published on the basis of scant facts.⁵² But, it was Franklin's ability to add literary color to stories and entertain readers that helped him gain popularity and influence later newspaper writers and publishers (Franklin also helped distinguish the difference between a publisher and an editor — he thought the latter was just as important to a well-written, well-managed publication).⁵³

New York City

By the second quarter and through the second half of the eighteenth century, New York City experienced a similar period of hectic political activity, and as a result, battles over the right to publish newspapers continued in the colony.⁵⁴ The *New-York Gazette*, started by William Bradford in 1725, was the only paper in New York at the time.⁵⁵ Before long, the paper's rivalry which formed against John Peter Zenger's *The New-York Weekly Journal* — coupled with

⁵¹ Sloan and Williams, 61.

⁵² Kobre, *The Development of the Colonial Newspaper*, 56.

⁵³ Kobre, 56.

⁵⁴ Kobre, 63.

⁵⁵ Sloan and Williams, *The Early American Press*, 84-90. Zenger's publication harshly pointed out the actions of the royal governor, William S. Cosby. It accused the corrupt government of rigging elections and allowing the French enemy to explore New York harbor. As a result of these writings, Zenger was accused of libel and taken to court (in this day, libel included any published information that was opposed to the government). Aided by his lawyer, Andrew Hamilton, Zenger was found not guilty by a jury and the case served as a landmark for press freedom.

Zenger's writings about the royal governor — led to early trials and rulings regarding what can and cannot be labeled libel.⁵⁶

Colonial-Era Journalism Grows

By the time Franklin retired from printing in 1748, journalism was growing rapidly, and nearly all of the colonies were producing newspapers by this time.⁵⁷ The three main centers for newspapers in Boston, Philadelphia and New York continued to influence other growing city centers along the seaboard, and as trade and population numbers grew, colonists became more dependent upon and inclined to read newspaper publications.⁵⁸ As this occurred, there was a growth of national-mindedness, which further drove unification among the colonies.⁵⁹ As the second half of the eighteenth century came to a head, journalism and the emergence of more newspapers took place in Maryland, Virginia and South Carolina.⁶⁰

Moving Toward Freedom of the Press

The Zenger trial was a critical step toward press freedom and the later adoption of The First Amendment near the end of eighteenth century. It should be noted, however, that notions of press freedom were more so shaped by a combination of events — such as the Zenger trial — and rivalries between newspapers and their publishers.⁶¹

⁵⁶ Sloan and Williams, *The Early American Press*, 84-90.

⁵⁷ Kobre, *The Development of the Colonial Newspaper*, 61-63.

⁵⁸ Kobre, 70-71.

⁵⁹ Kobre, 70-71

⁶⁰ Kobre, 70-71

⁶¹ Sloan and Williams, *The Early American Press*, 90.

Freedom of expression was not an explicit driving factor for early publishers, and as was mentioned earlier, most of those who entered the American newspaper business in its early stages were focused on business endeavors and were driven by personal motives and enterprise. When disagreements and legal cases came to fruition — the most notable being Zenger's — it was not necessarily the importance of truth and free speech that bolstered the defense against royal powers, but rather the attempt to defend one party over another that drove publishers toward the developing concept of a free press.⁶²

Still, because press freedom was not considered to be a God-given right, its realization was dependent on Anglican-Puritan controversies, rivalries between publishers and politicians, and the fight for the right to speak truth in print before being put officially into law.⁶³

The Revolutionary Press

As the concept of a free press continued to form in the American colonies, another cornerstone for journalists and the newspaper industry came by way of the American Revolution. After shots were exchanged in April 1775 between British and American soldiers at Lexington and Concord, impartiality and balance within colonial newspapers was still difficult to find.⁶⁴ The dichotomy led Patriot newspapers to make open attacks in writing against those of Loyalists, and Loyalists newspapers were quick to make attempts to discredit efforts for American

⁶² Sloan and Williams, 90-91.

⁶³ Sloan and Williams, 90-91.

⁶⁴ Sloan and Williams, 171.

freedom.⁶⁵ Newspaper articles and writing frequently influenced colonists' protests, swayed opinions and fueled further controversy.⁶⁶

It should be noted that important changes took place within the American newspaper realm during the Revolutionary War. Before the war began, newspaper publishers generally refrained from printing content critical of the government or laced with editorial expression, mainly a result of suppression and censorship which usually followed.⁶⁷ During the Revolutionary Era, however, publishers were braver. In efforts to sway the public either for or against American freedom, content in newspapers openly stated those opinions — an editorial act which would later become important to the concepts surrounding freedom of speech.⁶⁸

Additionally, newspapers included more information within their pages about local and national events. Although most papers did not start printing daily until American independence was established, as important news events occurred (such as new battles and occupations), newspaper publishers made new efforts to get this information to the public in a more timely fashion by printing smaller handbills.⁶⁹ Within handbills and regular newspaper publications, there was a new emphasis on headlines — the more important an event, the larger the headline and the more information that was provided to readers.⁷⁰

⁶⁵ Sloan and Williams, 171.

⁶⁶ Sloan and Williams, 173-175.

⁶⁷ Lee, *History of American Journalism*, 92.

⁶⁸ Lee, 92.

⁶⁹ Lee, 92.

⁷⁰ Lee, 93.

When it came to the distribution of newspapers, there were also notable changes happening during this time. Loyalist postmasters reviewed mail and publication materials before allowing them to go from one place to another, meaning Patriot materials — or anything postmasters adhering to the Royal Government did not approve of — would be destroyed.⁷¹ To work around this obstacle, steps were taken toward the creation of an American postal system free of censorship extending from Massachusetts to Georgia.⁷² This mail system would later be important to post-Revolution mail services and newspaper distribution.

Early American Political Thought

Political thought and activity is relevant to the events which took place within the colonies during the rise and popularity of newspaper publishing and the discussion about press freedom legislation. Key thinkers during this time included Edmund Burke, Thomas Paine, John Adams and Thomas Jefferson. Their influence shaped Constitution framing, and ultimately would have an impact on the future of journalism and those in the press.

Edmund Burke

Edmund Burke was considerably outspoken about his political beliefs. Burke held onto the idea that practicing politics could not be isolated from any other practice of moral

⁷¹ Lee, 95-96.

⁷² Lee, 95-96.

judgements.⁷³ In 1758, Edmund Burke began the *Annual Register*, a journal where he would record the history, politics and literature of that year.⁷⁴

When Burke entered British Parliament in 1765, it came at a crucial point in British and American history. The Seven Years War with France had just been won, yet it had dramatically depleted the empire's resources. In an effort to replenish the country's treasury, The Stamp Act was passed by the previous parliament — which had been imposed during the Fall of 1765.⁷⁵ The act forced newspapers in the colonies to pay a tax for every print of their paper.⁷⁶ Newspapers from all across the colonies, even those loyal to the crown united in protest of this new act, realizing that it would be detrimental to publishing and a free press.⁷⁷ Papers such as the *Pennsylvania Journal*⁷⁸ and *Pennsylvania Gazette* published “mortuary issues” as a way to both protest the Stamp Act — the crown cannot collect taxes from a “dead” paper — and to show readers the effects the stamp act has on newspapers and advertisers.⁷⁹

⁷³ David Lee Bromwich, *The Intellectual Life of Edmund Burke: From the Sublime and Beautiful to American Independence*. (Cambridge, MA: Belknap Press of Harvard University Press, 2014).

⁷⁴ James Prior, *Life of the Right Honourable Edmund Burke*. Fifth ed. Cambridge: G. Bell, 1878. 54-55.

⁷⁵ Prior, *Right Honourable Edmund Burke*, 87.

⁷⁶ Frederic Hudson, *Journalism in the United States, from 1690 to 1872*. (New York City, NY: Harper, 1873). 96

⁷⁷ Lee, *History of American Journalism*, 82-83.

⁷⁸ See Appendix D.

⁷⁹ Hudson, *Journalism in the United States*, 97-98.

With resistance against The Stamp Act already brewing within the colonies overseas, the Rockingham Whigs — and by association, Burke — were perfectly situated to change the role of government in the colonies. While it is unknown what Burke said, it was recorded that he “was an able advocate” during the debates of his first session and spoke with “ingenuity and eloquence.”⁸⁰

The Stamp Act was successfully repealed in 1766, by the Rockingham administration and was replaced immediately by the Declaratory Act, which doubled down on the authority of parliament to “make laws and statutes of sufficient force and validity to bind the colonies and people of America ... in all cases whatsoever.”⁸¹ While this may seem contradictory, Parliament believed that the resistance to The Stamp Act was caused by the idea that Britain did not have the authority to impose taxes on its imperial holdings. The Declaratory Act would therefore give them the authority for other forms of taxation in the future. The Stamp Act crisis, while seemingly averted, was only the beginning of the unrest among the colonies.⁸²

Rockingham’s administration fell out of power after only a year, in July of 1766.⁸³ Despite this, Burke continued to speak out against the abuse of authority, finding it culpable as the cause for the continued unrest in the colonies. During this time, he is estimated to be the most

⁸⁰ Prior, *Right Honorable Edmund Burke*, 88.

⁸¹ Richard Frothingham, *Rise of the Republic of the United States*. 4th ed. (Boston, MA: Little, Brown, and Company, 1886).

⁸² Edmund Sears Morgan, and Helen M. Morgan, *The Stamp Act Crisis: Prologue to Revolution*. (Chapel Hill, NC: University of North Carolina Press, 1995). 54.

⁸³ Prior, *Right Honorable Edmund Burke*, 94.

active speaker in the House of Commons until the end of his tenure representing Wendover.⁸⁴

Burke's philosophy on the limits and abuse of government's authority was most prominently inherent in his speech, "On American Taxation," which was given in the House of Commons early in 1774.

In his speech, he also motioned for a repeal of the Tea Tax, which had infringed on the rights of the colonies. Burke also defended this repeal on the grounds that it would not lead to demands for other concessions, would abolish the preamble of the Act of 1767, which is inconsistent with the later acts of Parliament, and that all of this been promised by the government: "Again, and again, revert to your own principles — Seek Peace, and ensue it — leave America, if she has taxable matter in her, to tax herself."⁸⁵ He went on that he was not trying to give the colonies any more rights, but rather place them under the policy which Britain previously did not have trouble. In summation, Burke believed the increased taxation to be the root for the rebellion and called for the complete repeal of all of such revenue acts that were passed after 1766 — in which the Rockingham Whigs lost control of parliament.⁸⁶

Burke was at first repulsed by the outright rebellion against parliament found in Boston and preferred the manner of sending grievances as New York's General Assembly would. He went on to blame this "unhappy disposition" found in Massachusetts and the other colonies on

⁸⁴ Jesse Norman, *Edmund Burke: The First Conservative*. (New York City, NY: Basic Books), 2015. 80.

⁸⁵ Edmund Burke, *Thoughts on the Cause of the Present Discontents and the Two Speeches on America*. E. J. Payne, ed. (Indianapolis, IN: Liberty Fund, Inc.). 1990.

⁸⁶ Prior, *Right Honorable Edmund Burke*, 88

pride, a rise in population, their “lax form,” and “more Lax exercise of Government.”⁸⁷ In fact, Burke often wrote about order when speaking about the situation in the colonies. More specifically it was the policies of Parliament that disrupted the natural order in the colonies and was the source for the unrest. Burke still spoke out in Parliament defending the colonies and called for reconciliation with America, as well as the repeal of all the Intolerable Acts.

While Burke was outspoken on the treatment of the colonies, there is little evidence his speeches in Parliament directly influenced any movements for rebellion across the Atlantic Ocean.⁸⁸ This may have been caused by his writings to the Committee of Correspondence of the General Assembly of New York defending Parliament's actions against Boston calling it an “absolute necessity.”⁸⁹

Thomas Paine

Unlike Burke, Thomas Paine's influence on American politics is much easier to trace. While Burke was primarily motivated by keeping the natural order, Paine was motivated by his views concerning the rights of men.⁹⁰ Paine moved from England to Pennsylvania, while the

⁸⁷ Thomas Wellsted Copeland, *The Correspondence of Edmund Burke*. Vol. 1. (Cambridge: University Press), 1958. 13-21.

⁸⁸ James Conniff, *The Useful Cobbler: Edmund Burke and the Politics of Progress*. (Albany, NY: State University of New York Press), 1994. 192.

⁸⁹ Copeland, *The Correspondence of Edmund Burke*, 13-21.

⁹⁰ Jason D. Solinger, “Thomas Paine's Continental Mind.” *Early American Literature* 45, no. 3 (2010): 593. <http://www.jstor.org/stable/25800115>.

tensions were already rising between the two in late 1774.⁹¹ By March of 1775, he began writing articles for the *Pennsylvania Magazine*.⁹²

Starting with the first article he wrote for the magazine, Paine began using the magazine's platform to further his concern for the rights of men. This first article attacked the institution of slavery in America. His political influence was already apparent, as five days after his article published, the American Anti-Slavery Society was created.⁹³ Within the first few months of writing Paine had already written articles against duelling and animal cruelty and was also the first man to publish an article about the rights of women.⁹⁴

In January of 1776, Thomas Paine famously penned the pamphlet, *Common Sense*, which called for unity among the colonies and one of the first published articles that suggested independence from the crown and Britain's hold.⁹⁵ *Common Sense* came to be very popular among the colonists very quickly. In its first run it sold 500,000 copies and within a month Paine was already issuing the third edition.⁹⁶ The influence of Paine's pamphlet was immediate. After its publication, General George Washington even remarked, "I find Common Sense is working a

⁹¹ Frank Smith, "The Date of Thomas Paine's First Arrival in America." *American Literature* 3, no. 3 (1931): 317-18. <http://www.jstor.org/stable/2920189>.

⁹² Robert G. Ingersoll, "Thomas Paine." *The North American Review* 155, no. 429 (1892): 182. <http://www.jstor.org/stable/25102425>.

⁹³ Ingersoll, "Thomas Paine," 182.

⁹⁴ Ingersoll, 182-183.

⁹⁵ Solinger, "Thomas Paine's Continental Mind," 597.

⁹⁶ Sloan and Williams, *The Early American Press*, 172.

powerful change in the minds of men.”⁹⁷ That change came to a head by July of that year, when the Continental Congress officially declared independence from Britain.⁹⁸

John Adams

While Edmund Burke is considered “the father of English Conservatism,” many consider John Adams to be his counterpart as “the father of *American* Conservatism.”⁹⁹ The twentieth century traditionalist conservative, Russell Kirk, claimed that Adams was the American counterpart to Burke and his successor to the conservative movement. He claimed the only discernible political differences between Burke and Adams was the latter’s “lack of attachment to the crown or an established church.”¹⁰⁰ However, while Adams was alive he often dismissed Burke and his political philosophies even referring to Burke and his colleague, Samuel Johnson, as “superstitious Slaves or Self deceiving Hypocrites.”¹⁰¹ Adams only once met Burke while in London in 1783 and wrote about his experience by recalling, “I was introduced to the Duke of Portland, Mr. Burke, and Mr. Fox; but finding nothing but ceremony there, I did not... receive anything, but cold formalities.”¹⁰² Adams on the other hand thought that Burke had an inclination

⁹⁷ Sloan and Williams, 172-173.

⁹⁸ Sloan and Williams, 173.

⁹⁹ Randall B. Ripley, “Adams, Burke, and Eighteenth-Century Conservatism.” *Political Science Quarterly* 80, no. 2 (1965): 216. doi:10.2307/2147740.

¹⁰⁰ Ripley, 220.

¹⁰¹ Drew Maciag, *Edmund Burke in America: The Contested Career of the Father of Modern Conservatism*. (Ithaca, NY: Cornell University Press, 2017). 34.

¹⁰² John Adams and Charles Francis Adams. *The Works of John Adams, Second President of the United States: With a Life of the Author*. 10 vols. (Boston, MA: Little and Brown, 1851). 405-6.

towards his philosophies. Ironically, Adams later considered that he in fact was the one to have influenced Burke when it came to the resistance to the revolutions in France after Adams wrote *A Defense of the Constitutions of Government of the United States*.¹⁰³

Another notable difference between Burke and Adams was that Adams supported the civil disobedience of the patriots from the beginning. He was even one of the first to praise the destruction of tea in Boston Harbor in 1773, referring to it the day after the event occurred as “the most Magnificent movement of all.”¹⁰⁴ After the events now known as the Boston Tea Party — and although he opposed the Boston Port Bill of 1774 in Parliament — Burke wrote that Boston and Massachusetts were “a refractory Town and Province,” respectively, and in need of the Boston Port Bills to be put “into proper Order.”¹⁰⁵

However Burke and Adams did have similar core beliefs that have caused many to label them both as conservatives. Both believed in retaining order and duty above all else. This is epitomized by Adams in 1770, when during the growing unrest in Boston, he defended the soldiers of the Boston Massacre in court.¹⁰⁶ Adams understood that order was not only preferred but necessary in a functioning society. After the revolution, order had to be reestablished for

¹⁰³ Maciag, *Edmund Burke in America*, 33-34.

¹⁰⁴ Benjamin L. Carp, *Defiance of the Patriots: The Boston Tea Party and the Making of America*. New Haven, CT: Yale University Press, 2011. 6.

¹⁰⁵ Copeland, *The Correspondence of Edmund Burke*, 13-21.

¹⁰⁶ *The trial of the British soldiers, of the 29th regiment of foot, for the murder of Crispus Attucks, Samuel Gray, Samuel Maverick, James Caldwell, and Patrick Carr, on Monday evening, March 5, 1770, before the Honorable Benjamin Lynde, John Cushing, Peter Oliver, and Edmund Trowbridge, esquires, justices of the Superior court of judicature, Court of assize, and general goal delivery, held at Boston, by adjournment, November 27, 1770.*, Library of Congress (Court of Assizes 1824). 94.

America to survive. Adams' approval of creating a strong federal government came out of his concern that there still must be some sense of authority after the upheaval of the previous or there will be chaos.¹⁰⁷

There was no instance where their ideals more closely aligned, than the French Revolution. Adams was actively involved in the revolutionary proceedings in America, and Burke at least understood the reasons for revolution in the colonies and was sympathetic to the grievances — having also been a supporter of the English Revolution of 1688¹⁰⁸. Both men were, however, staunch critics of the French Revolution. Even though Adams had a significant role in American Independence, he was always hesitant to hastily replace one government with a new one. This is clear from Adams' early critique of Paine's *Common Sense*, where he believed that Thomas Paine was too quick to advocate for the removal of a government without offering any options of creating a new one. He remedied this in his own *Thoughts on Government*, where he offered his view on setting up a provincial government should revolution be necessary and the situation arise.¹⁰⁹

These thoughts on order and need for a government authority became ever clearer immediately preceding the revolution in France. Adams' *A Defense of the Constitutions of Government of the United States*, first published in America in 1787, became the central talking

¹⁰⁷ Maciag. *Edmund Burke in America*. 35-36.

¹⁰⁸ J. O'Connor Power, "Edmund Burke and His Abiding Influence." *The North American Review* 165, no. 493 (1897): 676. <http://www.jstor.org/stable/25118923>.

¹⁰⁹ C. Bradley Thompson, "John Adams and the Coming of the French Revolution." *Journal of the Early Republic* 16, no. 3 (1996): 365. doi:10.2307/3124056.

point for both pro- and anti-revolutionary sentiments.¹¹⁰ Burke only published his ideas on the subject in the form of *Reflections on the Revolution in France* afterwards in 1790. While similar to Adams in the fact he opposed the Revolution, Burke's religious convictions, however, came to the forefront of his argument against the French Revolution. Adams on the other hand did not form his opinions so rigidly on religion.

Another hallmark of Adams' legacy is the Sedition Act, enacted while he was president in 1798. The act made it a crime to write or speak "any disloyal statement against the government of the United States, the Congress, or the president."¹¹¹ Although Adams did not publicly call for the act, it allowed him to arrest anyone who spoke or published anything against him or his policies.

The press by this time had split along Federalist and Republican values. John Adams said that the Republican press went to "all lengths of profligacy, falsehood and malignity in defaming our Government," in reference to his presidency and the majority federalist administration.¹¹² John Adams and his fellow Federalists believed that the Republican press were only publishing lies to manipulate the population. Arrests for those who published anti-federalist sentiments began occurring even before the act was officially enacted. Benjamin Franklin Bache, Benjamin Franklin's grandson, who was arrested for publishing anti-federalist sentiments, wrote afterward,

¹¹⁰ Thompson, "Coming of the French Revolution," 366.

¹¹¹ Geoffrey R. Stone, *Perilous Times: Free Speech in Wartime: From the Sedition Act of 1798 to the War on Terrorism*. New York: W.W. Norton, 2005. 12.

¹¹² Stone, *Perilous Times*, 34-35.

“In Turkey, the voice of the government is law, and there it is called despotism. Here the voice of the government is likewise law and here it is called liberty.”¹¹³

Thomas Jefferson

Oddly enough Thomas Jefferson did not oppose the Sedition Acts on the grounds that it infringed on the freedom of speech or freedom of the press, instead — and much like most of Jefferson’s political beliefs — he believed that the Sedition Acts encroached too much on the rights of the States.¹¹⁴ Jefferson, along with James Madison, responded to the Sedition Act with their own Kentucky and Virginia Resolutions, respectively.

While Jefferson seemed to be diametrically opposed to Adams, it was not always like this. Jefferson was immensely influenced by his extended stay in France and by his Turgotist associates there.¹¹⁵ Before being ambassador to France, Jefferson preferred a much stronger central government. In 1780, Jefferson criticized the Massachusetts State Constitution for allowing the legislation to have too much power over the executive of the state.¹¹⁶

By the time the French Revolution began, Jefferson actively advocated for the early United States to aid the revolting French. Jefferson’s French companions began writing scathing responses to Adams’ *A Defense of the Constitutions of Government of the United States*, against the idea of mixed constitution governments.¹¹⁷ While first supporting Adams’ book, Jefferson

¹¹³ Brown, Walt. *John Adams and the American Press: Politics and Journalism at the Birth of the Republic*. (Jefferson, NC: McFarland & Company Inc., Publishers, 1995). 31

¹¹⁴ Brown, *John Adams and the American Press*, 33-34.

¹¹⁵ Thompson, “The Coming of the French Revolution,” 367-368.

¹¹⁶ Thompson, 367.

¹¹⁷ Thompson, 367.

went on to stray away from the thoughts of his fellow American. He went on to say that the book was “too profound for the common people.”¹¹⁸

Despite this, Jefferson and Burke had coinciding philosophies on rights and laws. Jefferson advocated for more moderation in change than the complete upheaval in society that was seen during the French Revolution.¹¹⁹ Jefferson believed that there was natural moral law to which everyone was subject. He even used this in defending the treaties the United States had with France during the American Revolution, calling it “the moral law of our nature”¹²⁰ Burke also believed in an inherent natural law, but unlike Jefferson, Burke believed that this natural law was derived from a higher power. While Burke had long maintained that man had inherited rights, Jefferson took cues from other contemporary authors such as Thomas Paine when he wrote the inherent rights into America’s Declaration of Independence.¹²¹

The Constitution and Bill of Rights

Hesitant of forming an oppressive government to replace the one they were actively fighting against, the early American Continental Congress at first avoided creating a central governing body. In 1777, Congress enacted the Articles of Confederation, the first working

¹¹⁸ Thompson, 367.

¹¹⁹ Arnold A. Rogow, “Edmund Burke and the American Liberal Tradition.” *The Antioch Review* 17, no. 2 (1957): 255-65. doi:10.2307/4609956

¹²⁰ Philip A. Hamburger, “Natural Rights, Natural Law, and American Constitutions.” *The Yale Law Journal* 102, no. 4 (1993): 926. doi:10.2307/796836.

¹²¹ Pauline Maier, *American Scripture: Making the Declaration of Independence*. (New York, NY: Vintage Books, 1998).

constitution that both loosely united the states, but also protected them from the Congress or any of the states from gaining too much power over. The majority of the Articles were dedicated to limiting the powers of Congress to only deal with foreign affairs.¹²² The Articles of Confederation was more like a treaty among independent states than a document creating a new government and protecting the rights of its citizens.¹²³

The Construction of a New Constitution

The closest the Articles of Confederation went to protecting any form of speech was in Article V, section 5: "Freedom of speech and debate in congress shall not be impeached or questioned in any court or place out of Congress, and the members of Congress shall be protected in their persons from arrests or imprisonments, during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace."¹²⁴ There were no overarching protections for speech of ordinary citizens, that was reserved for state constitutions.

When the Constitution was being constructed in 1787 not all of the states at the time had even tackled how to protect free speech. Maryland, Pennsylvania, North Carolina, Virginia, Georgia, South Carolina, Massachusetts and Vermont all had explicit provisions in their state constitutions that protected the freedom of the press, while Delaware, New Jersey, Connecticut,

¹²² Articles of Confederation, art. IX.

¹²³ Joseph Tartakovsky, *The Lives of the Constitution: Ten Exceptional Minds That Shaped America's Supreme Law*. New York, NY: Encounter Books, 2018. 4.

¹²⁴ Articles of Confederation, art. V, sec. 5.

New York, New Hampshire and Rhode Island had no provisions granting the freedom of speech or freedom of the press.¹²⁵

Many were worried that the Articles of Confederation were not strong enough to keep the United States united in perpetuity.¹²⁶ Those who believed that a new Constitution could provide a strong federal government that could hold the States together were soon referred to as the Federalists.¹²⁷ While John Adams had recognized the need for a strong authority to keep order once the previous authority had been displaced, others pointed to the relative lack of power the Continental Congress had during the war to raise funds and conduct diplomacy with its constant rotation of delegates and slow committees.¹²⁸

The new proposed Constitution, while remedying the problems of a weak bond and central government among the states by affording Congress more power and establishing a federal executive branch, neglected to include rights for the people.¹²⁹ It was quickly met with opposition by those, like Thomas Jefferson, who thought it did little to protect the rights of man or the rights of the state.¹³⁰ Notably states like New York, Massachusetts and Virginia fought against the ratification of the Constitution, feeling that the new government would hold too much

¹²⁵ Md. Const. of 1776, art. XXXVIII; Pa. Const. of 1776, art. XII; N.C. Const. of 1776, art. XV; Va. Const. of 1776, art. XII; Ga. Const. of 1777, art. LXII; S.C. Const. of 1778, art. XLIII; Mass. Const. of 1780, art. XVI; Vt. Const. of 1786, art. XII

¹²⁶ Tartakovsky, *The Lives of the Constitution*, 4.

¹²⁷ Alison L. LaCroix, *The Ideological Origins of American Federalism*. (Cambridge, MA: Harvard University Press, 2011). 257.

¹²⁸ Tartakovsky, *The Lives of the Constitution*, 4.

¹²⁹ Anthony Lewis, *Freedom for the Thought That We Hate: A Biography of the First Amendment*. New York City, NY: Basic Books, 2008. 13.

¹³⁰ Tartakovsky, *The Lives of the Constitution*, 5.

power. Eventually John Hancock in Massachusetts created a compromise that would ensure the passage of the Constitution and the inclusion of basic rights afforded to all Americans.¹³¹ This agreement later became the first ten amendments to the Constitution, known as the Bill of Rights.

The First Amendment

As Americans had seen up to this point and by the wording in some of the state constitutions, the freedom of the press is vital to avoid an oppressive government. In Virginia's Constitution it read, "That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments."¹³² This right among others found in the states constitutions parallel the rights Thomas Paine expounded upon in his writings.¹³³

James Madison, who helped frame Constitution, at first did not see the use for a list of rights afforded by the nation's founding document and wondered if a list did exist if it could be enforced.¹³⁴ His long-time friend, and fellow Virginian, Thomas Jefferson eventually persuaded him otherwise.¹³⁵ The way Jefferson saw it was that these rights, specifically habeas corpus, trial

¹³¹ Akhil R. Amar, *America's Constitution: A Biography*. (New York City, NY: Random House Publishing Group, 2012). 34-35.

¹³² Va. Const. of 1776, art. XII

¹³³ Edmond Cahn, "The Firstness of the First Amendment." *The Yale Law Journal* 65, no. 4 (1956): 471-472. doi:10.2307/793983.

¹³⁴ Cahn, 464.

¹³⁵ Cahn, 464.

by jury and a free press, were a “fence” that protected American citizens against wrong doing by the government.¹³⁶

While ultimately the Bill of Rights was formed, with freedom of speech and freedom of the press in the First Amendment, it was evident within the first decades of ratification, with the passing of the Sedition Act, the First Amendment needed more definition and protection. Given the somewhat vague nature of the First Amendment’s phraseology, two centuries worth of case law have helped to better outline and define specific freedoms and in some cases limitations regarding publications by the news media.

Implications of The First Amendment

Since the late seventeenth century, newspapers have played a pivotal role in shaping public perceptions and opinions on current events, including political happenings. The First Amendment, which establishes the precedent for a free press and free speech — along with other freedoms — continues to influence and protect journalists’ ability to report news, as well as voice their thoughts and opinions by way of editorialized content. The power to do so is coupled with a great deal of responsibility. Recognizing this, we explore how journalists have since benefitted from their legislative rights and what that further means for their audience, the American public.

Influence of the Press

As it’s been discussed earlier in this report, motivations of early American newspaper publishers and editors were heavily influenced by business commodities, and until the American

¹³⁶ Cahn, 476.

Revolution, most refrained from publishing any content that was controversial or critical of the government or political players.

Today, this of course is no longer the case. Through the 1800s, the press began covering politics and government more vehemently. Just as federal power grew throughout the nineteenth and twentieth centuries, journalism grew along with it and a new emphasis on accountability reporting and information dissemination became critical to the media's role.¹³⁷ By the 1900s, conversations about press influence increased, and journalists continued to advocate for "independent journalism" — especially independence from politics and politicians.¹³⁸

In his 1997 book, "The Power Press," Paul Mongerson explores the American media's roles and its impact on citizens in the country. Although some of Mongerson's thinking and writing is countered by later information in this report, his explanation of the "information press" and "power press" are relevant to the discussion about press influence — whether that be by way of print, digital or televised mediums.¹³⁹

As described by Mongerson, the "information press" supplies objective news while tasked with providing the "who, what, when, where, why and how" context to news events and topics.¹⁴⁰ This kind of reporting is generally referred to as unbiased and balanced, and as

¹³⁷ Catherine Happer and Greg Philo, "The Role of the Media in the Construction of Public Belief and Social Change," *Journal of Social and Political Psychology* 1, no. 1 (2013): doi:10.5964/jspp.v1i1.96.

¹³⁸ Richard Davis, *The Press and American Politics: The New Mediator* (Upper Saddle River, NJ: Prentice Hall, 2001), 27-28; 39-41.

¹³⁹ Paul Mongerson, *The Power Press: Its Impact on America and What You Can Do about It* (Golden, CO: Fulcrum Publ., 1997), 2-15.

¹⁴⁰ Mongerson, *The Power Press*, 3.

Mongerson writes, journalists adhering to “information press” principles focus on “what people did and said” without injecting editorialization or bias.¹⁴¹ The “power press” on the other hand is more focused on the “why” aspect of stories and is far less forgiving, according to Mongerson.¹⁴² “Power press” stories tend to be angled around why something happened, what should have happened, or what could happen as a result. In other words, these stories stray away from facts relating to the particular matter alone, and instead, draw from other scenarios or the writer’s opinions within a news piece.¹⁴³ Whether intentionally or unintentionally, those in the news media exhibiting qualities of the “power press” are much more inclined to inject bias into news reporting — not just into opinion pieces and editorials.¹⁴⁴

While Mongerson goes on in his book to offer a number of generalized and unreasonable claims about journalists and their practice, he makes a good point in reference to media bias and partiality. When journalists allow their own views or agendas to affect what and how they report on different topics, they are ultimately influencing readers beyond that of the facts, and in turn, can cause a greater dichotomy between the press and the people. As Jim Kuypers states in his book, “Partisan Journalism: A History of Media Bias in the United States,” the re-emergence of “partisan press” attributes in the twenty-first century have contributed to blurred lines between

¹⁴¹ Mongerson, 3.

¹⁴² Mongerson, 5.

¹⁴³ Mongerson, 4-10.

¹⁴⁴ Mongerson, 5. Mongerson adds that while the “information press” also asks such questions and offers opinions and commentary from journalists on news topics, it’s only done so in the opinion section of the publication.

news and commentary, as well as objective and value-based journalism.¹⁴⁵ It has also contributed to declines in media trust.¹⁴⁶

Is it possible for journalists to be completely impartial and remove every ounce of bias from their work? Surely not — as would be the case for those in any other profession. However, when journalists make decisions about which stories to cover, which sources to include, what angles to take (or not to take) on a story, and so on, they are ultimately acting on their own biases, and whether they mean to or not, are shaping the way the public perceives current events and the world around them.¹⁴⁷

Additionally, when Mongerson says the public is easily frustrated with the news media when trying to determine truth from partial truth (or truth injected with bias), he's right.¹⁴⁸ Since the 2008 Presidential Election, public critique of the media has increased, due mostly in part to the way the media has covered such political happenings.¹⁴⁹ This is not to say that ethical and accurate reporting which politicians or members of the public simply don't like is "fake" or unfair. Instead, reporting that leaves out facts, is infused with reporters' commentary without justification, or that makes some issues unnecessarily dominant over others is what creates confusion and distrust on the public's part.

¹⁴⁵ Jim A. Kuypers, *Partisan Journalism: A History of Media Bias in the United States* (Lanham: Rowman & Littlefield, 2015), 4-8.

¹⁴⁶ Kuypers, 4-8.

¹⁴⁷ Happer and Philo, "The Role of the Media," 328-333.

¹⁴⁸ Mongerson, *The Power Press*, 11.

¹⁴⁹ Kuypers, *Partisan Journalism*, 1-11.

The First Amendment provides the press the freedom to publish content without prior restraint, but at what point, if at any point, does the press neglect or improperly go about its duty to provide news and new perspectives to the American public? Unethical insertion of bias contributes greatly to the answer of such a question, and as we move on, we'll further explore where opinion and bias can or should have a place in the news media, and where it very likely should not.

Editorials

For centuries, print publications, and eventually newspapers, have published pieces of content that are of the writer's or publisher's opinions.¹⁵⁰ These pieces, when published, are called opinions, columns, or editorials. While it has not always been made explicitly clear by writers or editors where and of what nature such editorialization is taking place within the content, the intended opinionated content has been published in newspapers since American newspapers first appeared.

Colonial-era writers expressed their opinions through tracts and pamphlets, and later, within Americans early newspapers.¹⁵¹ As the Revolution heated up, newspaper publishers allowed citizens to contribute essays, letters and poems to the publications — in some ways, early forms of "Letters to the Editor."¹⁵² As conversations (and heated arguments) about the framing of the Constitution later ensued, printers, editors and publishers were more selective

¹⁵⁰ Jim Allee Hart, *Views on the News: 1500-1800; the Developing Editorial Syndrome* (Carbondale: Southern Ill. Univ. Pr., 1970), 70-71.

¹⁵¹ Hart, forward to *Views on the News*.

¹⁵² Hart, *Views on the News*, 148-149.

about which kinds of opinions they published — so much so that their publications appeared to take sides on a number of current events and issues.¹⁵³ Editorial columns like we know today emerged in the 1790s and were mostly written and/or supported by leading politicians.¹⁵⁴

Several other eras, including the Jacksonian and postbellum eras, were characterized by openly bias writing and reporting by journalists. After some tweaking in the mid-twentieth century, modern editorials are now designed to express opinions backed up by facts.¹⁵⁵ Most of the time, these pieces are aimed at current events and prominent happenings in the news. Many publications have writers and columnists whose only roles are to write these pieces — having a news reporter write such content would be risky and unethical.

Other times, news media organizations will publish editorials, written by an editor (or editors) and expressing an opinion on behalf of the publication. Such writings are (and should be) supported by facts.

¹⁵³ Hart, 175-177.

¹⁵⁴ Hart, 177, 197-204; Matthew Gentzkow, Jesse Shapiro, and Michael Sinkinson, “The Effect of Newspaper Entry and Exit on Electoral Politics,” *The American Economic Review* 101, no. 7 (2009): , doi:10.3386/w15544. During the eighteenth century, an era of political press grew, and newspapers started to become mouthpieces for politicians and their respective political parties. Although newspaper editors started to regulate the ability of politicians to take advantage of the press in such a way during the nineteenth and twentieth centuries, such influences are still debated today. It’s undeniable that politicians and political influencers still use the news media to reach an American audience to manipulate public perception and political thought and affect outcomes for voting and legislation.

¹⁵⁵ Hart, 197; Kuypers, *Partisan Journalism*, 12.

Opinion pieces published by news organizations are intended to generate conversations and offer the public different perspective on current issues and topics.¹⁵⁶ However, the line between news reporter and opinion writer is an important one. As Josh Rivera of USA TODAY said in a February 2018 piece:

The news department has an important task, which is to write a first draft of history as it happens; the opinion pages shape how we look at our history. In a 24/7 news environment, many readers already know what happened; opinion pieces help them decide how to think about it.¹⁵⁷

Still, the influence of such content can't be ignored, and staying in line with proper ethical boundaries is important so to ensure that the press is offering a viewpoint — and not withholding and accurately portraying or reporting on news events.

Partisanship and Bias Media

By the turn of the nineteenth century, members of the public were practically expected to subscribe to newspapers and other publications based on their political leanings.¹⁵⁸ Although changes and improvements have been made by news media leaders to dismantle such allegiances, in the twenty-first century — and in our current American society — questions and concerns about media bias have become a hot topic for the press, the public and politicians.¹⁵⁹

¹⁵⁶ Josh Rivera, “Why Do Newspapers Still Have Editorials?” *USA TODAY*, February 5, 2018, <https://www.usatoday.com/story/opinion/2018/02/05/why-do-newspapers-still-have-editorials/1063917001/>. Rivera adds: “Opinion pages in newspapers are not ‘fake news.’ The same standards for accuracy and fact-checking apply to editorials, columns, letters and even cartoons, which is more than can be said for some online blog sites or comment sections on social media.”

¹⁵⁷ Rivera, “Why Do Newspapers Still Have Editorials?”

¹⁵⁸ Hart, 181; Lee, *History of American Journalism*, 115.

¹⁵⁹ Kuypers, *Partisan Journalism*, 4-8.

Bias, as discussed earlier, can come in a number of forms — and sometimes it may not even be obvious to the reporter or the reader that it's there in a story. In some cases, biased reporting might result in the omission of a source, while at other times, biased reporting could be characterized by an editor's refusal to accept a Letter to the Editor about a political candidate he or she doesn't support. At current, a number of factors can cause bias in news reporting: implicit political and cultural bias of the reporter or editor, pressures from newsroom and organizational leadership, advertising goals and demands, and even pressure caused by deadlines are contributors.¹⁶⁰

While the First Amendment protects the right of the media to possess and assert bias, most journalists adhere to ethical guidelines and standards, discouraging such practices. In 2016, retired *Star-Ledger* reporter and editor John Harding noted that “the only opinions reporters and editors should have are what constitutes a good story.”¹⁶¹ In this essence, reporters and editors should not make their opinions or beliefs a part of the newsgathering process. The Society of Professional Journalists provides ethical guidelines to aid reporters and editors in doing just that, and by following such standards, intentional bias should be ruled out.¹⁶² But the implicit bias poses an issue — it's not always noticeable. Additionally, concerns surrounding news commentating (on television, in print and online) and openly biased publications continue to

¹⁶⁰ Davis, *The Press and American Politics*, 120-132.

¹⁶¹ John T. Harding, “Fighting Bias in Journalism,” *Phi Kappa Phi Forum* 96, no. 3 (Fall 2016). Harding also notes that, “good stories don't always match a [political] candidate's — or corporate executives — preferred message.”

¹⁶² “SPJ Code of Ethics - Society of Professional Journalists,” Society of Professional Journalists - Improving and Protecting Journalism since 1909, <https://www.spj.org/ethicscode.asp>.

grow.¹⁶³ Due to a lack of universal adherence to an ethical code, this results in a range of news media reporting and varying forms of innate and intentional biases.¹⁶⁴

Regulating media bias can be a tricky matter, however. While some argue for journalists to make changes within the newsroom by way of stricter ethics and more careful reporting, others propose a need for legislative action making bias or unethical reporting an offense.¹⁶⁵ Such legislation is dangerous. Just as Constitution and Bill of Rights framers believed, action by the government to suppress or censor the media could and would be damaging to the overall meaning and practice of democracy. Although bias reporting alone is not illegal — and can be detrimental itself to democracy — U.S. legislation would set in motion a legal precedent for censorship (which could eventually lead to important facts being withheld from the public about controversial issues) and further rights provided by the First Amendment could also be stripped. This being said, it's critical that the First Amendment remains a cornerstone as it is for free press, and new initiatives need to take place within the journalism industry to address ethical reporting procedures.

Addressing Press Influence

The media plays a central role in informing the public about what happens in the world, especially for people in areas where it's not easy to access direct knowledge or experience

¹⁶³ Alberto Ardèvol-Abreu and Homero Gil De Zúñiga, "Effects of Editorial Media Bias Perception and Media Trust on the Use of Traditional, Citizen, and Social Media News," *Journalism & Mass Communication Quarterly* 94, no. 3 (2016): , doi:10.1177/1077699016654684.

¹⁶⁴ See Appendix E.

¹⁶⁵ Mongerson, *The Power Press*, 148-181.

regarding the matters.¹⁶⁶ News reporting can affect if and how people vote, determine what kind of attention political candidates receive, and shape how the public perceives domestic and foreign issues.¹⁶⁷ But when biases and inconsistent coverage of political issues, especially, leak into news reporting, it calls for necessary attention and action from members of the press.

Acknowledging the Effects

Journalists today are likely more aware than ever before of their potential for biased reporting and editorial decision-making and the effects it can have on the public. Now in an era where the news media is charged with producing “fake news” and being “the enemy of the people” — claims perpetuated even by U.S. President Donald Trump — there is a slippery slope which exists in relation to unintentional reporting biases and flat out fake news and false reporting.¹⁶⁸

The question deserving of being asked, though, is in regard to what is being done about this. Thousands of editorials and stories have likely been written on the topic since 2016, and dozens of studies have also sought to help journalists and the public better understand where bias comes from, what it looks like, and what impacts it has on news consumptions and public perceptions.¹⁶⁹ With this information, though, it’s expected that journalists will improve their reporting tactics and make strides to regain trust with their audience.

¹⁶⁶ Happer and Philo, “The Role of the Media,” 321.

¹⁶⁷ Gentzkow et al., “The Effect of Newspaper Entry and Exit.”

¹⁶⁸ Jonathan Albright, “Welcome to the Era of Fake News,” *Media and Communication* 5, no. 2 (2017): , doi:10.17645/mac.v5i2.977.

¹⁶⁹ Niraj Chokshi, “How to Fight ‘Fake News’ (Warning: It Isn’t Easy),” *The New York Times*, September 18, 2017, <https://www.nytimes.com/2017/09/18/business/media/fight-fake-news.html>.

If journalists do not take action, it's likely that the American public will stop believing or even listening to the critical, accurate reporting taking place by committed and ethical journalists. When the public stops paying attention, democracy fails as a result.¹⁷⁰

Ideas for Change and Improvement

To minimize the negative and disruptive effects of bias on the media's part, we make a few suggestions for journalists and their publications.

It's expected that a vast majority of practicing journalists in the United States today adhere to the Society of Professional Journalists' Code of Ethics. For those who are, we recommend frequent review of these ethics, and we call on editors to be more vigilant about enforcing them each and every day. We also suggest that adherence to these — or other — ethical codes be made publicly available to readers, whether that be on a website or in print. For publications not adhering to a code of ethics, we call on other journalists and members of the public to hold those publications accountable and exert caution when consuming news content produced by the organization.

As we mentioned earlier in this report, opinions and editorials are important for fostering discussions and offering new perspectives on the news. However, such content needs to be properly marked and easily distinguishable to the audience. According to an August 2017 article published by Poynter, this is currently not the case.¹⁷¹ Because of website design and poor markings on written pieces, it's difficult for readers to always know whether or not what they're

¹⁷⁰ Davis, *The Press and American Politics*, 341.

¹⁷¹ Rebecca Iannucci, "News or Opinion? Online, It's Hard to Tell," Poynter, April 04, 2018, <https://www.poynter.org/news/news-or-opinion-online-its-hard-tell>.

reading is straight news. By making this more clear — for example, by using the word “opinion” clearly in a headline — it’s likely that readers will be more aware of what they’re reading.

Additionally, and most importantly, we argue that journalists need to be more transparent with the public about how they go about their jobs. Media literacy, while critical to news consumption, cannot be expected.¹⁷² Recognizing the process and the necessary steps journalists have to take in order for stories to be properly vetted and reported could help the public become better informed, and it can help news consumers to distinguish and identify good, unbiased reporting. Reflecting on how stories are put together — from story conception, to interviews, to story angle, to story structure — could also be helpful for editors and reporters. Along those same lines, heeding advice from journalists and authors Bill Kovach and Tom Rosenstiel — who offer several steps recommended for proper verification when reporting — can further the essence and ideals behind “real, strong” journalism:

1. Never add anything that wasn’t there.
2. Never deceive the audience.
3. Be transparent about your methods and motives.
4. Rely on your own original reporting.
5. Exercise humility.¹⁷³

¹⁷² Davis, *The Press and American Politics*, 112-14. According to Davis, journalists are more educated than the general public — a vast majority of journalists possess college degrees (more than 80 percent), while less than a third of the general U.S population has such educational qualifications. Additionally, journalists know their trade better than most, and the American public generally has a basic understanding of newsgathering techniques, ethical standards and press freedom.

¹⁷³ Bill Kovach and Tom Rosenstiel, *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect* (New York: Three Rivers Press, 2001).

Today, half of Republicans say the news media should be described as the enemy of the American people.¹⁷⁴ Charges of “fake news” and loss of media trust continue. Although cutting bias out of reporting is a difficult task, it’s important now, as much as anytime else, to ensure that members of the press are separating themselves from opinion and partisanism. Doing so guarantees that the public has a basis of truth to rely on, ensures that leaders in our government and communities are held accountable for their actions, and reaffirms the need to maintain the benefits provided by the First Amendment.

¹⁷⁴ Tim Molloy and Pat Smith, *Trump Inches Up, But Still Has Negative Approval Rating*, report, Quinnipiac University (Hamden, CT: Quinnipiac University, 2017).

APPENDIX A

New England News

462

Rank 1

PUBLIC
OCCURRENCES

Both FORREIGN and DOMESTICK.

Boston, Thursday Sept. 25th. 1690.

It is desired, that the Country shall be furnished once a month (or if any Glut of Occurrences happen, oftener,) with an Account of such considerable things as have arrived unto our Notice.

In order hereto, the Publisher will take what pains he can to obtain a Faithful Relation of all such things; and will particularly make himself beholden to such Persons in Boston whom he knows to have been for their own use the diligent Observers of such matters.

That which is herein proposed, is, First, That Memorable Occurrences of Divine Providence may not be neglected or forgotten, as they too often are. Secondly, That people every where may better understand the Circumstances of Publique Affairs, both abroad and at home; which may not only direct their Thoughts at all times, but at some times also to assist their Businesses and Negotiations.

Thirdly, That something may be done towards the Curing, or at least the Charming of that Spirit of Lying, which prevails amongst us, wherefore nothing shall be entered, but what we have reason to believe is true, repairing to the best sources for our Information. And when there appears any material mistake in any thing that is collected, it shall be corrected in the next.

Moreover, the Publisher of these Occurrences is willing to engage, that whereas, there are many False Reports, maliciously made, and spread among us, if any well-minded person will be at the pains to trace any such false Report so far as to find out and Convict the First Raisher of it, he will in this Paper (unless just Advice be given to the contrary) expose the Name of such person, as a malicious Raisher of a false Report. It is supposed that none will dislike this Proposal; but such as intend to be guilty of so villainous a Crime.

THE Christianized Indians in some parts of *Plimouth*, have newly appointed a day of Thanksgiving to God for his Mercy in supplying their extrem and pinching Necessities under their late want of Corn; & for His giving them now a prospect of a very Comfortable Harvest. Their Example may be worth Mentioning.

It is observed by the Husbandmen, that altho' the With-draw of so great a strength

from them, as what is in the Forces lately gone for *Canada*; made them think it almost impossible for them to get well through the Affairs of their Husbandry at this time of the year; yet the Season has been so unusually favourable that they scarce find any want of the many hundreds of hands, that are gone from them; which is looked upon as a Merciful Providence.

While the barbarous Indians were lurking about *Chelmsford*, there were missing about the beginning of this month a couple of Children belonging to a man of that Town, one of them aged about eleven, the other aged about nine years, both of them supposed to be fallen into the hands of the Indians.

A very Tragical Accident happened at *Peter-Town*, the beginning of this Month, an Old man, that was of somewhat a Silent and Morose Temper, but one that had long Enjoyed the reputation of a Sober and a Wise Man, having newly buried his Wife, the Devil took advantage of the Melancholy which he thereupon fell into; his Wives discretion and industry had long been the support of his Family, and he seemed burrled with an impertinent fear that he should now come to want before he dyed, though he had very careful friends to look after him who kept a strict eye upon him, lest he should do himself any harm. But one evening escaping from them into the Cow-house, they there quickly followed him found him hanging by a Rope, which they had used to tie their Calves withal, he was dead with his feet near touching the Ground.

Epidemical Fevers and Agues grow very common, in some parts of the Country, whereof, tho' many dye, yet they are sorely unfitted for their employments; but in some parts a more malignant Fever seems to prevail in such sort that it usually gets thro' a Family where it comes, and proves Mortal unto many.

The Small-pox which has been raging in Boston, after a manner very Extraordinary, is now very much abated. It is thought that far more have been sick of it then were visited with it, when it raged so much twelve years ago, nevertheless it has not been so Mortal, The number of them that have

APPENDIX B

The Present State of the
New-English Affairs.

This is Published to prevent False Reports

An Extract of a Letter from Mr. Mather, To the Governor, Dated Sept. 4. 1689 from Deal in Kent.

The House of Commons Ordered a Bill to be drawn up for the Restoration of Charters to all Corporations. Some Enemies of New-England did bestir themselves on that Occasion. But it has pleased God to succeed Endeavours and Solicitations here so far, as that N. E. is particularly mentioned in the Bill.

It has been read twice, and after that referred unto a Committee for Emendations. What concerns N. England passed without any great opposition. The Bill has been in part read the third Time, and the Charters of N. Eng. then also passed without Objection. Only some Additional Clauses respecting Corporations here, caused Debates; so that the Bill is not as yet Enacted.

In the latter end of June, a Vessel from *Albany* arrived here, which brought your Declaration of April 12. with an account of the Revolution in New-England. The week after I went to *Hampden Court*, and had the favour to wait on His Majesty, who told me, That He did accept of, and was well pleased with what was done in New-England, and that he would order the Secretary of State, to signify His Majesty's pleasure, and the Rights and Privileges restored to them.

The King has sent a Gracious Letter (which was delivered to me, and if I return, not my self, I shall take care that it be sent to you) bearing Date August 12. wherein He signifies His Royal Approbation of what has been done at Boston, and assures you that the Government there shall be settled, so as shall be for the Security and Satisfaction of His Subjects in that Colony, and in the mean time bids you go on to Administer the Laws, and manage the Government, according as in your Address you have Petitioned.

My Lord Mordant (now Earl of *Down*) had me assure you that He would be your Friend, and he bade me tell you from him, That your Charters should be restored to you by Act of Parliament.

I have been with most of the Kings most Honourable Privy Council, who have promised to befriend New-England as there shall be occasion for it. The like I may say, of all the leading men in the Parliament.

I have been in the Downs a fortnight, and aboard Mr. *Beck*, several Nights, but the Wind has been against us. And we now hear that the New-England Convoys (on whose Assistance we had a Dependence) are gone.

Subscribed To the Honourable
 Simon Bradstreet, Esq.

Governor of the Massachusetts Colony in New-England.

A Passage extracted from the publick News-Letter, Dated July 6. 1689.

The people of New-England having made a thorough Revolution, and secured the publick Criminals. On Thursday last, the Reverend and Learned Mr. Mather, President of the College, and Minister of Boston, waited on the King; and in a most Excellent Speech laid before His Majesty, the State of that People; saying, That they were sober, and Industrious, and fit for Martial Service; and all with their Lives and Interests were at His Majesties Command, to render the same unto His Majesty: That they desired nothing but His Majesties Acceptance of what they had done, and His Protection; and that if His Majesty pleased to encourage and Commission them, He might easily be Emperor of America. His Majesty assured him, that He was pleased with what was done for Him, and for themselves in the Revolution, and that their Privileges and Religion should be secured unto them.

Extracted from a Letter of Mr. Mather, to his Son, Dated Sept. 2. 1689.

On July 4. The King said unto me, That He did kindly Accept of what was done in Boston. And that His Subjects in New-England should have their Ancient Rights and Privileges Restored and Confirmed unto them. Yea, He told me, That if it were in his power to cause it to be done, it should be done, and bade me rest assured of it.

The Charter-Bill is not finished, because some Additional Clauses respecting Corporations here in England caused a Debate; and the Parliament is for some weeks Adjourned.

Besides the Letter from the Kings Majesty, whereof we have notice as above, there is now arrived, an Order from His Majesty to the Government, bearing Date, July 30. 1689.

Requiring, That Sir Edmund Andros, Edward Randolph, and others, that have been Seized by the people of Boston, and shall be at the Receipt of these Commands, Detained there, under Confinement, be sent on Board the first Ship bound to England, to answer what may be objected against them.

Boston, Printed and Sold by Samuel Green, 1689.

The first edition of *The Present State of the New-English Affairs*, thought to be of the first newspapers printed in the American colonies. *The Present State of the New-English Affairs*. 1689. University of Virginia Library, Public Domain.

APPENDIX C

[N^o 39]

THE New-England Courant.

From MONDAY April 23. to MONDAY April 30. 1722.

To the Author of the New-England Courant.

SIR,

[N^o 3]



It is undoubtedly the Duty of all Persons to serve the Country they live in, according to their Abilities; yet I sincerely acknowledge, that I have hitherto been very deficient in this Particular; whether it was for want of Will or Opportunity, I will not at present stand to determine: Let it suffice, that I now take up a Resolution, to do for the future all that lies in my Way for the Service of my Countrymen.

I HAVE from my Youth been indefatigably studious to gain and treasure up in my Mind all useful and desirable Knowledge, especially such as tends to improve the Mind, and enlarge the Understanding; And as I have found it very beneficial to me, I am not without Hopes, that communicating my small Stock in this Manner, by Posters to the Publick, may be at least in some Measure useful.

I AM very sensible that it is impossible for me, or indeed any one Writer to please all Readers at once. Various Persons have different Sentiments; and that which is pleasant and delightful to one, gives another a Disgust. He that would (in this Way of Writing) please all, is under a Necessity to make his Themes almost as numerous as his Letters. He must one while be merry and diverting, then more solid and serious; one while sharp and satirical, then (to mollify that) be sober and religious; at one Time let the Subject be Politicks, then let the next Theme be Love: Thus will every one, one Time or other find some thing agreeable to his own Fancy, and in his Turn be delighted.

ACCORDING to this Method I intend to proceed, bestowing now and then a few gentle Reproofs on those who deserve them, not forgetting at the same time to applaud those whose Actions merit Commendation. And here I must not forget to invite the ingenious Part of your Readers, particularly those of my own Sex to enter into a Correspondence with me, assuring them, that their Condescension in this Particular shall be received as a Favour, and accordingly acknowledged.

I THINK I have now finish'd the Foundation; and I intend in my next to begin to raise the Building. Having nothing more to write at present, I must make the usual excuse in such Cases, of being in haste, assuring you that I speak from my Heart when I call myself, The most humble and obedient of all the Servants your Merits have acquir'd.

SILENCE DOGOOD.

Those who incline to favour Mrs. Dogood with their Correspondences, are desired to send their Letters (directed in her) to the Publisher of this Paper.

To the Author of the New-England Courant.

SIR,

I Am of Opinion, that it may at some Times and on some Occasions be proper to expose the Vices and pernicious Principles of particular Persons, especially when they themselves will endeavour (with Frowns or Flatteries) to corrupt others thereby: And since I have met with some Things (in my Opinion) of less Consequence in your Paper, I presume you may be inclin'd to favour the Publick with the following Information, which I have lately receiv'd from credible Persons: *Viz.* A certain Gentleman some time last Week, in his Conversation (in the Hearing of divers Persons) was pleas'd to say, *That he would make his Tenants to know, that they should vote for good Men for Representatives, such Men as he would have them vote for, or else he would turn them out of his Tenements.* The whole of the Conversation would be too tedious to rehearse here; however, it has been Matter of considerable Speculation in the Town. Some say, to choose honest Men and such as he would have them choose, is a Contradiction in Terms. Others think he has a mind to be chose himself, but that he does not suffer the Character. 'Twould be needless to name him, so that every Body might point at him; but for your own Satisfaction, if you will tell no Body, I'll tell you that much, That he commonly goes with one Eye half shut, and his Mouth screw'd up into a whistling Pouture.

I am, Sir,

Your Humble Servant,
HARRY MEANWELL.

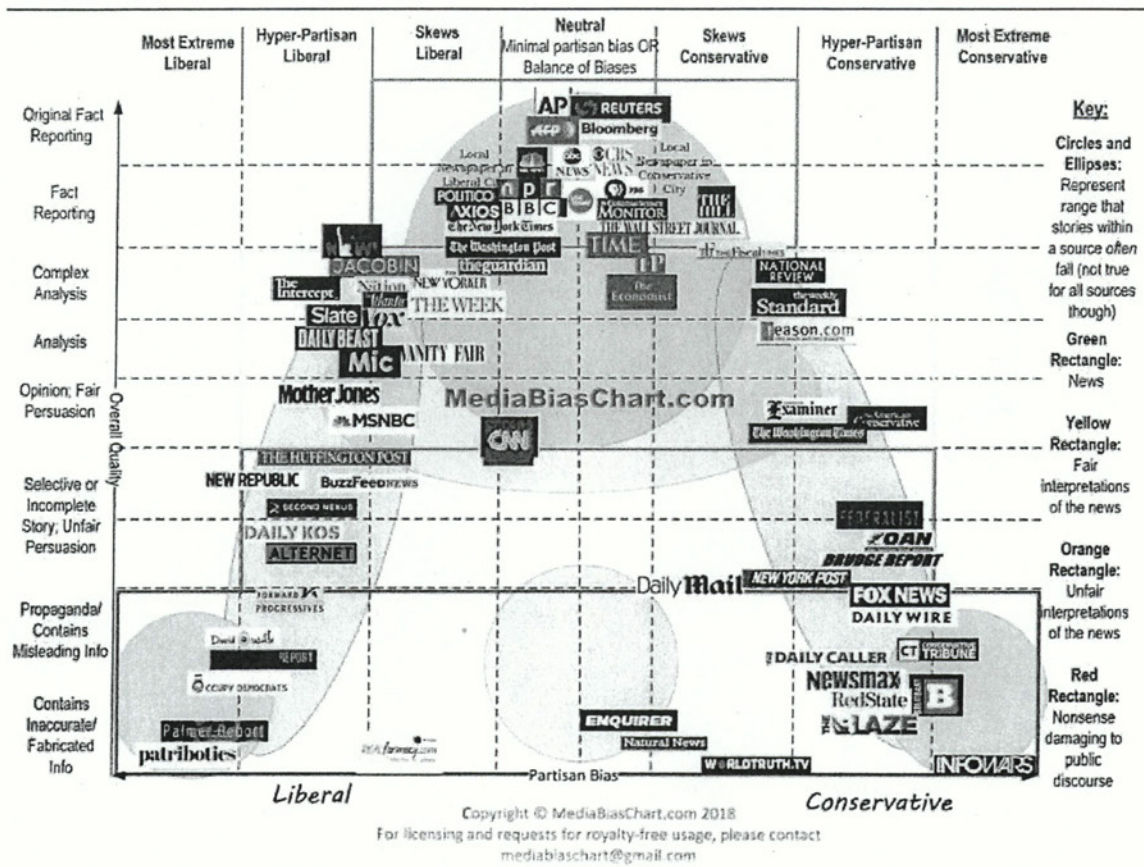
Mistaken Courants, Woodstock, April 20. 1722.
OF late there has been pretty much Talk about *Sagabator*, and *Edm-Deeds*; and my Neighbours one of other, are often asking what 'tis about: For my part, I hear so many different Stories about it, that I don't know what to make on't. They say the Truth of it is in the Votes; but we Country Folks, very few of us at least, can get a Sight of 'um. Besides, we've been so bizzzy o' late about our Meeting-House, that we couldn't spare any of our Family (I mean the *Truants*) for a Representative last Year, and so ha'dn't any of the Votes at our Town, except what *Edm-Deeds* had, and he has such a Hatred against all our Name and Family, (for the sake of Puffs and Profits,) that he'll sooner ruin us than do us a small Courtesy, (and that we know.) Therefore if you'd be so kind as put this in your *Courant*, may be some Body would be at the trouble to draw up the whole of that Matter; and then if you'd put it in your next Paper, we should soon have it at our Town; and I can tell you a great many here would take it mighty kindly of you. For besides, you must know, several of us has got the *Deplorable State of New-England*; and we hear the Story in the Votes concerns one of a great Family, mention'd in that Pamphlet; which if it does, and we can get it, we intend to tack one to 'together. I have a great many things more to talk with you about, but I'll put it off to another Time: I doubt I am troublesome already.

By your Leave, Sir,

ELISHA TRUEMAN.

The New England Courant, one of the first American newspapers, was founded in Boston on August 7, 1721, by James Franklin. *The New England Courant*. 1722. Massachusetts Historical Society, Public Domain.

APPENDIX E



This chart, updated in 2018, reflects the political leanings and biases of news organizations.
MediaBiasChart.com, *The Chart*. February 2018.

Bibliography

- Adams, John, and Charles Francis Adams. *The Works of John Adams, Second President of the United States: With a Life of the Author*. 10 vols. Boston, MA: Little and Brown, 1851.
- Albright, Jonathan. "Welcome to the Era of Fake News." *Media and Communication* 5, no. 2 (2017): 87. doi:10.17645/mac.v5i2.977.
- Amar, Akhil R. *America's Constitution: A Biography*. (New York City, NY: Random House Publishing Group, 2012). 34-35.
- "American Beginnings: 1492-1690: Power, Colonial Rebellion" *National Humanities Center* online, last modified October 2006,
<http://nationalhumanitiescenter.org/pds/amerbegin/power/text5/text5read.htm>.
- Ardèvol-Abreu, Alberto, and Homero Gil De Zúñiga. "Effects of Editorial Media Bias Perception and Media Trust on the Use of Traditional, Citizen, and Social Media News." *Journalism & Mass Communication Quarterly* 94, no. 3 (2016): 703-24.
 doi:10.1177/1077699016654684.
- Bromwich, David Lee, *The Intellectual Life of Edmund Burke: From the Sublime and Beautiful to American Independence*. Cambridge, MA: Belknap Press of Harvard University Press, 2014.
- Brown, Walt. *John Adams and the American Press: Politics and Journalism at the Birth of the Republic*. Jefferson, NC: McFarland & Company Inc., Publishers, 1995.
- Burke, Edmund. *Thoughts on the Cause of the Present Discontents and the Two Speeches on America*. E. J. Payne, ed. Indianapolis, IN: Liberty Fund, Inc. 1990.
- Cahn, Edmond. "The Firstness of the First Amendment." *The Yale Law Journal* 65, no. 4 (1956):

471-472. doi:10.2307/793983.

Carp, Benjamin L. *Defiance of the Patriots: The Boston Tea Party and the Making of America*.

New Haven, CT: Yale University Press, 2011.

Chokshi, Niraj. "How to Fight 'Fake News' (Warning: It Isn't Easy)." *The New York Times*, September 18, 2017.

<https://www.nytimes.com/2017/09/18/business/media/fight-fake-news.html>.

Conniff, James. *The Useful Cobbler: Edmund Burke and the Politics of Progress*. Albany, NY:

State University of New York Press, 1994.

Copeland, David A. *Debating the Issues in Colonial Newspapers: Primary Documents on Events of the Period*. Westport, CT: Greenwood Press, 2000.

Copeland, Thomas Wellsted. *The Correspondence of Edmund Burke*. Vol. 1. Cambridge:

University Press, 1958.

Davis, Richard. *The Press and American Politics: The New Mediator*. Upper Saddle River, NJ:

Prentice Hall, 2001.

Frothingham, Richard. *Rise of the Republic of the United States*. 4th ed. Boston, MA: Little, Brown, and Company, 1886.

Gentzkow, Matthew, Jesse Shapiro, and Michael Sinkinson. "The Effect of Newspaper Entry and Exit on Electoral Politics." *The American Economic Review* 101, no. 7 (2009):

2980-3018. doi:10.3386/w15544.

Green, Samuel. *The Present State of the New-English Affairs* (Boston), September 3, 1689.

Hamburger, Philip A. "Natural Rights, Natural Law, and American Constitutions." *The Yale Law Journal* 102, no. 4 (1993): 926. doi:10.2307/796836.

- Happer, Catherine, and Greg Philo. "The Role of the Media in the Construction of Public Belief and Social Change." *Journal of Social and Political Psychology* 1, no. 1 (2013): 321-36. doi:10.5964/jspp.v1i1.96.
- Harding, John T. "Fighting Bias in Journalism." *Phi Kappa Phi Forum* 96, no. 3 (Fall 2016): 17.
- Hart, Jim Allee. *Views on the News: 1500-1800; the Developing Editorial Syndrome*. Carbondale: Southern Ill. Univ. Pr., 1970.
- Harris, Benjamin. *Publick Occurrences, Both Foreign and Domestik* (Boston), September 25, 1690.
- Hudson, Frederic. *Journalism in the United States, from 1690 to 1872*. New York, NY: Harper, 1873.
- Iannucci, Rebecca. "News or Opinion? Online, It's Hard to Tell." Poynter. April 04, 2018. <https://www.poynter.org/news/news-or-opinion-online-its-hard-tell>.
- Ingersoll, Robert G. "Thomas Paine." *The North American Review* 155, no. 429 (1892): 182. <http://www.jstor.org/stable/25102425>.
- Kobre, Sidney. *The Development of the Colonial Newspaper*. Gloucester, MA: P. Smith, 1960.
- Kovach, Bill, and Tom Rosenstiel. *The Elements of Journalism: What Newspeople Should Know and the Public Should Expect*. New York: Three Rivers Press, 2001.
- Kuypers, Jim A. *Partisan Journalism: A History of Media Bias in the United States*. Lanham: Rowman & Littlefield, 2015.
- LaCroix, Alison L. *The Ideological Origins of American Federalism*. Cambridge, MA: Harvard University Press, 2011.
- Lee, James Michael. *History of American Journalism*. Garden City, NY: Garden City Publ.,

1923.

Lewis, Anthony. *Freedom for the Thought That We Hate: A Biography of the First Amendment*.

New York City, NY: Basic Books, 2008.

Maciag, Drew. *Edmund Burke in America: The Contested Career of the Father of Modern*

Conservatism. Ithaca, NY: Cornell University Press, 2017.

Maier, Pauline. *American Scripture: Making the Declaration of Independence*. New York, NY:

Vintage Books, 1998.

Mongerson, Paul. *The Power Press: Its Impact on America and What You Can Do about It*.

Golden, CO: Fulcrum Publ., 1997.

Morgan, Edmund Sears, and Helen M. Morgan. *The Stamp Act Crisis: Prologue to Revolution*.

Chapel Hill: University of North Carolina Press, 1995.

McMurtrie, Douglas C. *The Beginnings of the American Newspaper*. Chicago, IL: Black Cat

Press, 1935.

Molloy, Tim, and Pat Smith. *Trump Inches Up, But Still Has Negative Approval Rating*. Report.

Quinnipiac University. Hamden, CT: Quinnipiac University, 2017.

Norman, Jesse. *Edmund Burke: The First Conservative*. New York City, NY: Basic Books,

2015.

Pew Research Center. "Newspapers Fact Sheet." Pew Research Center: Journalism &

Media. June 1, 2017. <http://www.journalism.org/fact-sheet/newspapers/>.

Power, J. O'Connor. "Edmund Burke and His Abiding Influence." *The North American Review*

165, no. 493 (1897): 676. <http://www.jstor.org/stable/25118923>.

Prior, James. *Life of the Right Honourable Edmund Burke*. Fifth ed. Cambridge: G. Bell, 1878.

- Ripley, Randall B. "Adams, Burke, and Eighteenth-Century Conservatism." *Political Science Quarterly* 80, no. 2 (1965): 216. doi:10.2307/2147740.
- Rivera, Josh. "Why Do Newspapers Still Have Editorials?" *USA TODAY*, February 5, 2018.
<https://www.usatoday.com/story/opinion/2018/02/05/why-do-newspapers-still-have-editorials/1063917001/>.
- Rogow, Arnold A. "Edmund Burke and the American Liberal Tradition." *The Antioch Review* 17, no. 2 (1957): 255-65. doi:10.2307/4609956
- Shank, Ryan. "Edmund Burke and His Influence on Early American Politics" Undergraduate History thesis, Ball State University, 2018.
- Sloan, William David., and Julie Hedgepeth. Williams. *The Early American Press: 1690-1783*. Westport (Conn.): Greenwood Press, 1994.
- Smith, Frank. "The Date of Thomas Paine's First Arrival in America." *American Literature* 3, no. 3 (1931): 317-18. <http://www.jstor.org/stable/2920189>.
- Solinger, Jason D. "Thomas Paine's Continental Mind." *Early American Literature* 45, no. 3 (2010): 593. <http://www.jstor.org/stable/25800115>.
- "SPJ Code of Ethics - Society of Professional Journalists." Society of Professional Journalists - Improving and Protecting Journalism since 1909. <https://www.spj.org/ethicscode.asp>.
- Stone, Geoffrey R. *Perilous Times: Free Speech in Wartime: From the Sedition Act of 1798 to the War on Terrorism*. New York City, NY: W.W. Norton, 2005.
- Tartakovsky, Joseph. *The Lives of the Constitution: Ten Exceptional Minds That Shaped America's Supreme Law*. New York, NY: Encounter Books, 2018.
- Thompson, C. Bradley. "John Adams and the Coming of the French Revolution." *Journal of the*

Early Republic 16, no. 3 (1996): 365. doi:10.2307/3124056.

The trial of the British soldiers, of the 29th regiment of foot, for the murder of Crispus Attucks, Samuel Gray, Samuel Maverick, James Caldwell, and Patrick Carr, on Monday evening, March 5, 1770, before the Honorable Benjamin Lynde, John Cushing, Peter Oliver, and Edmund Trowbridge, esquires, justices of the Superior court of judicature, Court of assize, and general goal delivery, held at Boston, by adjournment, November 27, 1770.,
Library of Congress (Court of Assizes 1824).